

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANTHONY BLACK,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:18-CV-587-WKW
)	
STATE TROOPER JACKSON)	
and PROSECUTOR,)	
)	
Defendants.)	

ORDER

On July 10, 2018, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 4.) Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED as follows:

1. The Recommendation (Doc. # 4) is ADOPTED.
2. The claims presented by Plaintiff challenging the constitutionality of his arrest on October 22, 2012, are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
3. Plaintiff's claims against the prosecutor are DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).
4. Those claims that go to the fundamental legality of the conviction imposed upon Plaintiff in 2014 by the Circuit Court of Lee County, Alabama, for felony DUI and the revocation of probation by the trial court on January 24, 2018

are DISMISSED without prejudice under 28 U.S.C. 1915(e)(2)(B)(ii) as these claims are not properly before the court in this 42 U.S.C. § 1983 action.

5. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915 (e)(2)(B)(i), (ii) and (iii).

A separate final judgment will be entered.

DONE this 24th day of August, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE